

REMARKS

In the Office Action of February 28, 2006, claims 1-20 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent Application No. US 2002/0043926 A1 ("Takahashi et al."). In response, Applicant respectfully asserts that each element of the independent claims 1, 8 and 14 is not disclosed in Takahashi et al., as explained below. Consequently, the independent claims 1, 8 and 14 cannot be anticipated by Takahashi et al. Thus, Applicant respectfully requests that the independent claims 1, 8 and 14, as well as the dependent claims 2-7, 9-13 and 15-20, be allowed.

A. Patentability of Independent Claims 1, 8 and 14

The Office Action has rejected the independent claims 1, 8 and 14 under 35 U.S.C. §102(b) as allegedly being anticipated by Takahashi et al. However, the cited reference of Takahashi et al. does not disclose the limitations of "*the light source including a fluorescent layer*" AND "*a wavelength-conversion region optically coupled to said light source,*" which are recited in the independent claim 1. Consequently, the independent claim 1 is not anticipated by Takahashi et al.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP §2131. The latest Office Action alleges on page 2 that the cited reference of Takahashi et al. discloses "a light source (FIG. 1, item 10) that emits original light, the light source including a fluorescent layer (FIG. 6A, item 37)" and "a wavelength-conversion region (FIG. 1, item 35) optically coupled to the light source." However, the cited reference of Takahashi et al. does not disclose a device that includes both a light source including a fluorescent layer and a wavelength-conversion region, as recited in the independent claim 1.

The cited reference of Takahashi et al., describes in paragraph [0097] that "a fluorescent layer 37 with which the substrate surface of the light-emitting device 10 is covered maybe provided as shown in FIG. 6A or 6B so that the fluorescent resin 35

can be omitted” (emphasis added). Thus, the cited reference of Takahashi et al. discloses a device with the fluorescent layer 37 OR the fluorescent resin 35, NOT BOTH the fluorescent layer 37 and the fluorescent resin 35. Consequently, the cited reference of Takahashi et al. does not disclose a device that includes both “*the light source including a fluorescent layer*” AND “*a wavelength-conversion region optically coupled to said light source,*” as recited in the independent claim 1. Therefore, Applicant respectfully asserts that the independent claim 1 is not anticipated by Takahashi et al., and requests that the independent claim 1 be allowed.

The independent claim 8 recites in part “*converting some of said original light into first converted light within said light source*” and “*converting some of said original light into second converted light outside of said light source.*” As explained above, the cited reference of Takahashi et al. disclose a device with the fluorescent layer 37 OR the fluorescent resin 35. Consequently, the cited reference of Takahashi et al. does not disclose “*converting some of said original light into first converted light within said light source*” AND “*converting some of said original light into second converted light outside of said light source,*” as recited in the independent claim 8. Thus, Applicant respectfully asserts that the independent claim 8 is not anticipated by Takahashi et al., and requests that the independent claim 8 be allowed.

The above remarks are also applicable to the independent claim 14, which recites in part “*said semiconductor die including a fluorescent substrate*” and “*a wavelength-conversion region.*” Thus, the independent claim 14 is not anticipated by Takahashi et al. for at least the same reasons as the independent claim 1. Moreover, the cited reference of Takahashi et al. does not disclose the claimed limitation of “*said semiconductor die including a fluorescent substrate.*” The Office Action on page 5 states that the cited reference of Takahashi et al. discloses “the semiconductor die including a fluorescent substrate (FIG. 6A, item 37).” However, the referenced item 37 described in Takahashi et al. is not a substrate, as asserted in the Office Action. The cited reference of Takahashi et al. states in paragraph [0097] that “a fluorescent layer 37 with which the substrate surface of the light-emitting device 10 is covered maybe provided as shown in FIG. 6A or 6B so that the fluorescent resin 35 can be omitted.” In addition, the cited reference of Takahashi et al. further states in paragraph [0097] that “FIG. 6B shows the case where the surface of the substrate and

the side surfaces of the light-emitting device 10 are covered with the fluorescent layer 37." The above sentences clearly show that the fluorescent layer 37 is not a substrate, rather a layer covering the substrate 11 of the light-emitting device 10. The item 11 is referred to as the substrate of the light-emitting device 10 in paragraph [0068] of Takahashi et al. Consequently, the cited reference of Takahashi et al. does not disclose "*said semiconductor die including a fluorescent substrate*," as recited in the independent claim 14. Thus, Applicant respectfully asserts that the independent claim 14 is also not anticipated by Takahashi et al., and requests that the independent claim 14 be allowed as well.

B. Patentability of Dependent Claims 2-7, 9-13 and 15-20


Each of the dependent claims 2-7, 9-13 and 15-20 depends on one of the independent claims 1, 8 and 14. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicant submits that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicant respectfully requests reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,

Kee Yean Ng

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By: 
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300